

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 3, 23, 25, 38, 40, and 49 are amended. Accordingly, claims 1-3, 6-11, 13, 23-35, 38, and 40-51 are pending in the application.

### **I. In the Specification**

In light of the Examiner's comments, the Applicants have amended to Abstract to remove the portion that includes similar terms to those that are recited in the title of the Application. The amendment also removes language that can be implied such as "is disclosed."

### **II. Claims Rejected Under 35 U.S.C. § 112**

Claims 23, 38, and 59 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the invention.

In particular, the Examiner has rejected the claims because of insufficient antecedent basis related to certain terms recited in the claims. In response, claim 23 is amended to replace the phrase "a plurality of sources to access the images" to state "a plurality of sources to access images" to correct the antecedent basis issue. Claim 38 is amended to replace the phrase "the source" with "the client" to correct the antecedent basis issue and to address the Examiner's comments. Lastly, the Examiner rejected claim 59, but there is no such claim in the application. The Applicants believe that the Examiner intended to reject, instead, claim 49 and will respond to the rejection under this assumption. Claim 49 is amended to replace the phrase "the group" to state "a group" to correct the antecedent basis issue. In light of the amendments, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 23, 38, and 49.

### **III. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-2, 7-11, 13, 23, 26, 27, 29-35, 42, 44, and 47 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,301,586 issued to Yang et al. (hereinafter "Yang") in view of U.S. Patent No. 6,567,983 issued to Shiimori (hereinafter "Shiimori"). To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success;

and (3) the references when combined must teach or suggest all of the claim limitations. See MPEP § 2142.

Claim 1, as amended, recites the elements of “organizing the presentation images in the visual presentation by the server, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of presentation images to have consistent presentation attributes, wherein *modifying the inconsistent presentation attributes of the plurality of presentation images includes modifying exposure for one of more of the plurality of presentation images to be consistent with a remainder of the plurality of presentation images.*” (emphasis added.) The amendment incorporates some of the elements recited in claim 3 and is supported, for example, by page 10, lines 7-10, of the Specification.

In light of the amendment of claim 1, the Applicants address here the Examiner’s rejection of claim 3 (see page 16 of the Office Action) based on Yang in view of Shiimori in further view of U.S. Patent No. 6,431,448 issued to Nelson et al. (hereinafter “Nelson”). The Examiner conceded that Yang in view of Shiimori fails to teach the elements of “modifying exposure for one of more of the plurality of presentation images to be consistent with a remainder of the plurality of presentation images,” as recited in the claim. However, the Applicants note that Nelson does not constitute prior art under 35 U.S.C. § 102 and thus cannot form a basis for rejection under 35 U.S.C. § 103. The instant application claims priority from U.S. Provisional Application Serial No. 60/181,779 filed February 11, 2000. Nelson, on the other hand, was filed on May 11, 2000, after the Applicants’ priority date and, as a result, cannot be a basis of a rejection under 35 U.S.C. § 103(a). Accordingly, reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

In regard to claims 2, 7-11, 13, 42, and 44, these claims depend from base claim 1 and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 1, Yang in view of Shiimori fails to teach or suggest each element of claims 2, 7-11, 13, 42, and 44. Accordingly, reconsideration and withdrawal of the rejection of claims 2, 7-11, 13, 42, and 44 are respectfully requested.

In regard to claim 23, this claim, as amended, recites analogous elements to those in claim 1. Therefore, for at least the reasons discussed in connection with claim 1, Yang in view of Shiimori fails to teach or suggest each element of claim 23. In addition, claims 26, 27, 29-35,

and 47 are not obvious over Yang in view of Shiimori because of their dependencies on claim 23. Accordingly, reconsideration and withdrawal of the rejection of claims 23, 26, 27, 29-35, and 47 are respectfully requested.

Claims 24, 43 and 46 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Shiimori in further view of U.S. Patent No. 6,369,835 issued to Lin (hereinafter "Lin").

In regard to claim 43, this claim depends from base claim 1 and incorporates the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 1, Yang in view of Shiimori fails to teach or suggest each element of claim 43. In addition, Lin fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin that teaches the missing elements. As a result, Yang in view of Shiimori in further view of Lin fails to teach or suggest each element of claim 43. Accordingly, reconsideration and withdrawal of the rejection of claims 43 are respectfully requested.

In regard to claims 24 and 46, these claims depend from base claim 23 and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 23, Yang in view of Shiimori fails to teach or suggest each element of claims 24 and 46. In addition, Lin fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin that teaches the missing elements. As a result, Yang in view of Shiimori in further view of Lin fails to teach or suggest each element of claims 24 and 46. Accordingly, reconsideration and withdrawal of the rejection of claims 24 and 46 are respectfully requested.

Claims 38 and 40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Lin.

Claim 38, as amended, recites analogous elements to those recited in claim 1. The amendment incorporates some of the elements recited in 40. Therefore, for at least the reasons discussed in connection with claim 1, Yang fails to teach or suggest each element of claim 38. Further, Lin fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin that teaches the missing elements. As a result, Yang in view of Lin fails to teach or suggest each element of claim 38. In addition, claim 40 overcomes the

rejection because of its dependency on claim 38. Accordingly, reconsideration and withdrawal of the rejection of claims 38 and 40 are respectfully requested.

Claims 6 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Shiimori in further view of U.S. Patent No. 5,940,806 issued to Danial (hereinafter "Danial").

Claims 6 and 28 depend from base claims 1 and 23, respectively, and incorporate the limitations thereof. Therefore, for at least the reasons discussed in connection with claims 1 and 23, Yang in view of Shiimori fails to teach or suggest each element of claims 6 and 28. Further, Danial fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Danial that teaches the missing elements. As a result, Yang in view of Lin in further view of Danial fails to teach or suggest each element of claims 6 and 28. Accordingly, reconsideration and withdrawal of the rejection of claims 6 and 28 are respectfully requested.

Claim 41 stands rejected under Yang in view of Lin in further view of Danial. Claim 41 depends from base claim 38 and incorporates the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 38, Yang in view of Lin fails to teach or suggest each element of claim 41. In addition, Danial fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Danial that teaches the missing elements. As a result, Yang in view of Lin in further view of Danial fails to teach or suggest each element of claim 41. Accordingly, reconsideration and withdrawal of the rejection of claim 41 are respectfully requested.

Claims 45 and 48 stand rejected under Yang in view of Shiimori in further view of U.S. Patent No. 6,892,351 issued to Vasudevan et al. (hereinafter "Vasudevan").

Claims 45 and 48 depend from base claims 1 and 23, respectively, and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claims 1 and 23, Yang in view of Shiimori fails to teach or suggest each element of claims 45 and 48. In addition, Vasudevan fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Vasudevan that teaches the missing elements. As a result, Yang in view of Shiimori in further view of Vasudevan fails to teach or suggest each

element of claims 45 and 48. Accordingly, reconsideration and withdrawal of the rejection of claims 45 and 48 are respectfully requested.

Claims 3 and 25 stand rejected under Yang in view of Shiimori in further view of Nelson.

In regard to claims 3 and 25, these claims depend from base claims 1 and 23 and incorporate the limitations thereof. Therefore, for the reasons discussed in connection with claims 1 and 23, Yang in view of Shiimori in further view of Nelson fails to teach or suggest each element of claims 3 and 25. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3 and 25.

Claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Lin in further view of Shiimori.

Claim 49, as amended, incorporates analogous limitations to those recited in claim 38. Therefore, for at least the reasons mentioned in connection with claim 38, Yang in view of Lin fails to teach or suggest each element of claim 49. In addition, Shiimori fails to cure the deficiencies of claim 49. The Examiner has not cited and the Applicants are unable to discern the portion of Shiimori that teaches the missing elements. Therefore, for at least these reasons, Yang in view of Lin in further view of Shiimori fails to teach or suggest each element of claim 49. Further, claim 50 is not obvious over Yang in view of Lin in further view of Shiimori because of its dependency on claim 49. Accordingly, reconsideration and withdrawal of the rejection of claims 49 and 50 are respectfully requested.

Claim 51 stands rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Shiimori in view of Lin in further view of Vasudevan. Claim 51 depends from claim 49 and incorporates the limitations thereof. Therefore, for at least the reason mentioned in connection with claim 49, Yang in view of Shiimori in further view of Lin fails to teach or suggest each element of claim 51. In addition, Vasudevan fails cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Vasudevan that teaches the missing elements. Therefore, for at least these reasons, Yang in view of Lin in view of Shiimori in further view of Vasudevan fails to teach or suggest each element of claim 51.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 27, 2007

/Jonathan S. Miller/  
Jonathan S. Miller      Reg. No. 48,534

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

### CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 8-27, 2007.

Melissa Stead  
Melissa Stead      8-27, 2007